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|  | <b>INDIANA DEPARTMENT OF CHILD SERVICES<br/>CHILD WELFARE MANUAL</b>                                      |                                     |
|   | <b>Chapter 13:</b> : Licensed Residential Agencies and Child Placing Agency                               | <b>Effective Date:</b> July 1, 2015 |
|   | <b>Section 1:</b> Conducting Background Checks for Licensed Residential Agencies and Child Placing Agency | <b>Version:</b> 4                   |

## POLICY [REVISED]

The Indiana Department of Child Services (DCS) requires background checks for the purpose of residential and child placing agency licensing (referred to collectively as “DCS-licensed agencies”) on all persons who are a(n):

1. Employee, volunteer and/or intern in DCS-licensed agencies if the employee/volunteer/intern has or will have direct contact, on a regular and continuing basis, with child(ren) who are or will be under the direct supervision of the agency;
2. Manager of a DCS-licensed agency; or
3. Licensing applicant of a DCS-licensed agency

**Note:** Each employee/volunteer/intern for which background checks are required must have a current job description that indicates that the individual has or will have direct contact, on a regular and continuing basis, with children who are under the direct supervision of the agency.

The following background checks will be conducted on DCS-licensed agencies:

1. Fingerprint-Based National Criminal History Check (Fingerprint-Based Check);
2. Child Protection Services History Check (CPS History Check);
3. Sex Offender Registry Check; and
4. **[NEW]** Local Law Enforcement Agency (LEA) Records Check.

The type of background check conducted will vary based on the age of the subject of the check.

Fingerprint-Based Checks conducted for a specific DCS-licensed agency and purpose may not be used for the same purpose at a different DCS-licensed agency or a different purpose at the same agency unless approved by DCS.

### **Initial and Relicensure of a DCS-licensed Agency**

Background checks will consist of the following:

1. For all persons age 18 and older:
  - a. Fingerprint-Based Check,
  - b. CPS History Check in every state the subject of the check has lived in the last five (5) years,
  - c. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years, and
  - d. **[NEW]** LEA Records Checks in every state the subject of the check has lived in the last five (5) years.

2. For all persons 17 years of age and under:
  - a. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
  - b. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.

### **New Hires**

Once a DCS-licensed agency has an active license, all background checks must be completed and passed prior to a new employee, volunteer and/or intern having direct contact, on a regular and continuing basis, with child(ren) who are or will be under the direct supervision of the agency.

The DCS-licensed agency will have to complete another background check on the employee/volunteer/intern if the agency license is being renewed and more than one (1) year has passed since the new employee/volunteer/intern was printed.

### **Exceptions to Fingerprinting**

The only exception to fingerprinting a subject of the check is if he or she has a physical disability that makes it impossible to obtain the subject's fingerprint. The exception does not apply to subjects of the checks who can be printed but the quality of the fingerprints is poor. The exception can only be granted by the DCS Central Office Background Check Unit (COBCU) and is for limited and case-specific situations, such as the following:

1. When the individual does not have fingers;
2. When a person trained to take fingerprints has documented that the subject of the check's disabling condition prevents fingerprinting; or
3. When a qualified medical practitioner has documented the subject of the check's disabling condition prevents fingerprinting.

To receive an exception, the following must be sent to the COBCU:

1. A letter requesting the exception and explaining the disabling condition; and
2. The required documentation from the person trained to take fingerprints, or qualified medical practitioner or evidence that the individual does not have fingers.

If the exception is granted, a non-fingerprint based check is required in every state the subject of the check has lived in the last five (5) years. For Indiana, the required check is the Indiana Limited Criminal History (LCH) Check. A new fingerprint exception must be requested and granted each time fingerprinting is required. See Practice Guidance.

### **Annual Reviews**

DCS recommends that all DCS-licensed agency employees/volunteers and/or interns that are required to have background checks at hiring, licensure and relicensure have the following annual checks completed:

1. CPS History Check;
2. Sex Offender Registry Check; and
3. LEA Records Check (age 18 and older).

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. See separate policy [2.6 Sharing Confidential Information](#).

## Code References

1. [IC 31-27-3-3: Apply for licenses; criminal history checks](#)
2. [IC 31-27 3.5: Grounds for denial of license applications; waiver](#)
3. [IC 31-27-5-4: Apply for licenses; criminal history checks](#)
4. [IC 31-27-5-6: Grounds for denial of license applications; waiver](#)
5. [IC 31-27-6-2: Apply for licenses; criminal history checks](#)
6. [IC 31-27-6-3: Grounds for denial of applications; waiver](#)
7. **[NEW]** [IC 31-9-2-22.5: Conduct a criminal history check](#)

## **PROCEDURE**

DCS residential licensing staff will ensure that the licensing applicant for the DCS-licensed agency completes all steps of the background check process on him/herself and attaches these results to the application for licensure or relicensure when submitting for approval to the DCS Central Office Residential Licensing Unit.

DCS residential licensing staff will check for compliance with the following steps:

The DCS-licensed agency will complete the following background checks for all required personnel:

1. Verify the identity of each subject of the check, regardless of age. See separate policy, [2.9 Verifying Identity](#), by reviewing one (1) available and valid, government-issued identification document such as, but not limited to a:
  - a. Driver's license,
  - b. Photo identification card,
  - c. Passport,
  - d. Social Security card, or
  - e. Birth certificate.
2. Have the subject of the check complete the [Application for Criminal History Background Check \(SF53259/CW3610\)](#) using their legal name as it appears on a current government issued picture ID.
  - a. The subject of the check must sign and date the form, and
  - b. Place the original in the subject's personnel file after the completion of the background check process.
3. Register the person age 18 and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of:
  - a. Completing the registration process for subject of the check for electronic fingerprinting through the DCS approved fingerprint vendor and provide the subject with a copy of the registration confirmation number given at the end of the registration process,
  - b. Providing the subject of the check with the customized step by step instructions for registering for fingerprints if the agency is unable to complete the registration themselves (See registering for fingerprinting below),
  - c. Informing the subject of the check to use the same government issued identification used during registration for fingerprints,
  - d. Ensuring the subject of the check is successfully fingerprinted,
  - e. Obtaining the results of the Fingerprint-Based Check, the COBCU will provide a letter via email to the agency contact person handling all background check material and inform them of the Fingerprint-Based Check status.

- i. If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Do not start a new registration or there will be a duplicate charge for the cost of printing. Provide the subject of the check a copy of the notice if they will be scheduling their 'reprint' appointments themselves, and
  - ii. For all other results see separate policy, [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#).
- 4. Conduct a Sex Offender Registry Check for all persons and print off the results via the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>. If a match is found, refer to separate policy, [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#).

**Note:** If you are searching a common name and results show multiple matches, narrow the search by state. If this occurs, search every state the subject has lived in for the past five (5) years.

- 5. Conduct a CPS History Check for all persons:
  - a. For Indiana:
    - i. The agency will complete Section A of the Indiana [Request for Child Protection Service \(CPS\) History Check \(SF 52802/CW 2128\)](#);
    - ii. The subject of the check, or representative if a minor, will complete Section B.

**Note:** DCS-licensed agencies are unable to access the necessary information to complete this check and will need to send a copy of the Indiana [Request for a Child Protection Service \(CPS\) History Check \(SF52802/CW2128\)](#) to the COBCU or the DCS local office.
  - b. For all other states, conduct a CPS History check search for every other state the individual has lived for the past five (5) years, if applicable, locate information for a CPS administration or local office designee to process your search request at; <http://www.cclid.ca.gov/AdamWalsh/2609.htm>. Click on "[List of Contacts For Other State's Child Abuse and Neglect Registries](#)"
  - c. If the subject of the check has CPS history in any state, refer to separate policy, [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#) for further required action.
- 6. **[REVISED]** Conduct LEA Records Checks for all persons age 18 and older who are working or volunteering by:
  - a. Requesting a records check from the LEA that responds to a subject of the check's current home address utilizing the [Application for Criminal History Background Check \(SF53259/CW3610\)](#), Section titled "For Law Enforcement Use Only.",
  - b. Requesting searches from the appropriate LEA corresponding to ALL other residential addresses the subject of the check has resided during the past five (5) years, and
  - c. Upon receiving the results of each check See separate policy. [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#).

## **PRACTICE GUIDANCE**

### **Notifying DCS of Arrest, Convictions or Substantiation of Abuse or Neglect**

DCS requires the applicant and/or their agency's Human Resources Department or designee to notify the assigned Central Office Residential Licensing Unit Consultant within 24 hours of the arrest, conviction or substantiation of abuse or neglect of the applicant, or any employee/volunteer/intern in the agency. The Central Office Residential Licensing Unit Consultant should evaluate the severity and seriousness of the offense on a case-by-case basis and contact COBCU if additional guidance is needed.

### **Registering for Fingerprints**

If the agency's Human Resources Department or designee is unable to complete the registration process for the subject of the check, the subject of the check is to be provided a copy of the step by step instructions for registering for fingerprinting through the DCS approved vendor that has been customized to the correct agency or agency name, Human Resources personnel's or designee's name, that person's phone number and the correct reason for printing, and will also include the agency's billing code for those agencies having an escrow account and who choose to pay the expense of printing for the subject.

### **Exception to Fingerprinting**

If an Exception to Fingerprinting request is granted, COBCU will run a Indiana LCH. The agency or agency will provide the checks for all other states the subject of the check has resided in the past five years to the COBCU. The COBCU will provide a letter via e-mail to the agency or agency contact person handling all background check material and inform them of the clearance state resulting from the search.

For purposes of the exception for a physical disability, a "qualified medical practitioner" means the following:

1. A physician licensed under IC25-22.5.
2. A physician assistant licensed under IC25-27.5.
3. A physical therapist licensed under IC25-27.
4. An advanced practice nurse licensed under IC25-23.
5. A chiropractor licensed under IC25-10.
6. A psychologist licensed under IC25-33.

## **FORMS AND TOOLS**

1. [Application for Criminal History Background Check \(SF53259/CW3610\)](#)
2. [Request for a Child Protection Services \(CPS\) History Check \(SF52802/CW2128\)](#)
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## **RELATED INFORMATION**

### **Special Fingerprinting Issues**

#### **Unreadable Fingerprints and Reprint Notice**

Fingerprints may be rejected by Indiana State Police (ISP) or the FBI for a number of reasons. Each rejection is evaluated individually. For each Reprint Notice issued the subject of the check must schedule a reprint appointment. Once the necessary number of rejections within the appropriate timeframe has been obtained, COBCU will request that a non-emergency Name-

Based Check be processed. Once the name based check has been requested the processing timeframe is longer than a fingerprint check.

**Inaccurate Criminal Records**

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the arresting agency. For Indiana convictions this would be made to the ISP.